

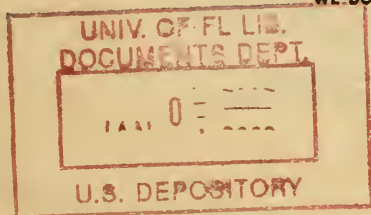
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

WOVEN WOOD
FABRIC SHADE INDUSTRY

AS APPROVED ON JUNE 28, 1934



UNITED STATES
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Approved Code No. 473

CODE OF FAIR COMPETITION

· FOR THE

WOVEN WOOD FABRIC SHADE INDUSTRY

As Approved on June 28, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE WOVEN WOOD FABRIC SHADE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Woven Wood Fabric Shade Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order #6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Acting Division Administrator.

WASHINGTON, D.C.,
June 28, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Code of Fair Competition for the Woven Wood Fabric Shade Industry, the hearing having been conducted in Washington, D.C., on May 14, 1934, in accordance with the provisions of the National Industrial Recovery Act.

PROVISIONS ON HOURS AND WAGES

The maximum hours for employees provided in this Code are forty (40) hours per week and eight (8) hours per day. When production demands it, a tolerance of eight hours per week is allowed, provided this tolerance shall be allowed for not more than six weeks in any six months' period, and one and one-half times the normal hourly rate is paid for all hours in excess of forty per week.

Employees engaged in emergency maintenance and emergency repair work are excepted from hourly limitations and are allowed a one and one-half overtime rate of pay. Engineers and firemen are permitted to work not in excess of forty-five (45) hours in any one week or nine hours in any one day. Watchmen are permitted to work not in excess of fifty-six (56) hours in any one week. The usual exemption is granted to executive and supervisory employees regularly receiving \$35.00 or more per week, and to outside salesmen.

The minimum wage provided is thirty-five cents per hour for male employees and thirty-two and one-half cents per hour for female employees.

CHILD LABOR

The minimum age provided in this Code is 16 years; however it is provided that no persons under 18 years of age may be employed except as office boys or office girls.

ECONOMIC EFFECT OF THE CODE

This Industry has gradually declined since 1929. Employment has declined 35%; sales have declined 65%; and total pay rolls have declined 59%.

The products of this Industry are used on open porches and inside of factory windows. In recent years the trend in residential construction has been toward the use of enclosed porches, thereby decreasing the prospective field for the product in that respect. Increased demand, however, may be expected when there is an increase in general industrial activity involving factory maintenance and construction.

Competition from a similar product imported from Japan is a serious problem.

It is estimated that the minimum wage rate provided by the Code will increase wages from 10% to 15% in the case of male workers and approximately 25% in the case of female workers over those paid prior to June 16, 1933.

FINDINGS

The Assistant Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is truly representative of the aforesaid industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, this Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JUNE 28, 1934.

CODE OF FAIR COMPETITION FOR THE WOVEN WOOD FABRIC SHADE INDUSTRY

ARTICLE I—PURPOSE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is submitted as a Code of Fair Competition for the Woven Wood Fabric Shade Industry and upon approval its provisions shall be the standards of fair competition for such Industry and be binding upon every member thereof.

ARTICLE II—DEFINITIONS

SECTION 1. The term "Industry" as used herein shall mean the manufacture of woven wood fabric shades. The term "woven wood fabric shade" is defined as a porch or window shade made of wood-slats woven together with cord and capable of being raised or lowered, but not so constructed that the slats thereof may be tilted.

SECTION 2. The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 4. The term "employer" as used herein includes any one by whom any such employee is compensated or employed.

SECTION 5. The term "association" as used herein means the Woven Wood Fabric Shade Association.

SECTION 6. The terms "President", "Act", "Administrator", as used herein shall mean, respectively, the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 7. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

ARTICLE III—HOURS

SECTION 1. Maximum Hours. No employee shall be permitted to work in excess of forty (40) hours in any one week or eight (8) hours in any twenty-four (24) hour period, except as herein otherwise provided.

(a) Employees engaged as engineers or firemen may be permitted to work not in excess of forty-five (45) hours in any seven (7) day period or nine (9) hours in any twenty-four (24) hour period.

(b) Watchmen may be permitted to work not in excess of fifty-six (56) hours in any seven (7) day period.

(c) To provide for peak periods, employees may be permitted to work a maximum of forty-eight (48) hours in any seven (7) day period for not more than six such seven (7) day periods in any six (6) months' period, provided, however, that all hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven (7) day period shall be compensated for at not less than one and one-half ($1\frac{1}{2}$) times the normal rate of pay.

SECTION 2. Hours for Clerical and Office Employees. No person employed in clerical or office work shall be permitted to work in excess of forty (40) hours in any seven (7) day period or eight (8) hours in any twenty-four (24) hour period.

SECTION 3. Exceptions as to Hours. The provisions of this Article shall not apply to traveling salesmen, or to employees engaged in emergency maintenance or emergency repair work, or to persons employed in a managerial or executive capacity who earn regularly thirty-five dollars (\$35.00) per week or more; provided, however, that employees engaged in emergency maintenance and emergency repair work shall be paid at least one and one-half ($1\frac{1}{2}$) times their normal hourly rate for all hours worked in excess of eight (8) hours in any one day and forty (40) hours in any one week.

SECTION 4. Employment by Several Employers. No employer shall knowingly permit an employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry (or otherwise), exceeds the maximum permitted herein.

SECTION 5. Standard Week. No employee shall be permitted to work more than six days in any seven day period.

ARTICLE IV—WAGES

SECTION 1. Minimum Wages. No male employee shall be paid at less than the rate of thirty-five cents (35¢) per hour and no female employee shall be paid at less than the rate of thirty-two and one-half cents ($32\frac{1}{2}$ ¢) per hour; provided, however, that female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees, and provided further that when female employees are engaged to replace male employees they shall be paid at least the same rate as that paid to the male employees whom they replace.

SECTION 2. Office and Clerical Employees. No clerical or office employee shall be paid in any pay period less than at the rate of sixteen dollars (\$16.00) per week in any city of 500,000 population or over, or in the immediate trade area of such city; or less than at the rate of fifteen dollars (\$15.00) per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; or less than at the rate of fourteen dollars (\$14.00) per week in any city or place of 250,000 population or less.

SECTION 3. Wages above Minimum. Employers shall not reduce the hourly or full time weekly earnings of employees whose rates of wages are now in excess of the minimum rate of wages (notwithstanding that the number of hours worked in such employment may be hereby decreased), and where in any case an employer has not

increased the rates of wages for such employees prior to the effective date of this Code by an equitable readjustment of all wage rates such employer shall readjust all such wage rates in such an equitable manner as will preserve wage differentials reasonably proportionate to those in effect prior to the effective date of this Code. Within thirty (30) days after the effective date of this Code, each employer shall report to the Code Authority, for submission to the Administrator, the adjustments made pursuant to this Section.

SECTION 4. Piecework Compensation—Minimum Wages. Minimum rates of pay specified in this Code shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SECTION 5. Manner of Payment. All employers shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand. Wages shall be paid at least once each two (2) weeks. These wages shall be exempt from any payment for pensions, insurance, or sick benefits other than those voluntarily paid by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages or give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. Child Labor. No persons under eighteen (18) years of age shall be employed in the Industry except as office boys or girls. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 2. Provisions from the Act.

(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in any other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. Evasion Through Subterfuge. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 4. Standards for Safety and Health. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and

health shall be submitted by the Code Authority to the Administrator within six months after the effective date of the Code. Upon approval by the Administrator, after such notice and hearing as he may prescribe, such standards shall constitute integral parts of this Code.

SECTION 5. State Laws. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to ages of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. Posting. All employers shall keep posted complete copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of this Code of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 7. Evasion Through Discharging and Rehiring or Replacing Employees. No employee now employed at a rate in excess of the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purpose of evading the provisions of this Code.

SECTION 8. Complaint or Giving Evidence. No employee shall be dismissed by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established to be selected in the following manner:

(a) The Code Authority shall consist of five (5) individuals or such other number as may be approved from time to time by the Administrator, to be selected as hereinafter set forth.

(b) Four members of the Code Authority shall be selected by the Association from among its membership. The Association not later than ten (10) days after the approval of this Code shall notify all members of the Industry known to it, or who can be ascertained after a diligent search, who are non-members of the Association, if there be any such, that on a specific day, not later than twenty (20) days after such notice shall have been given, one member of the Code Authority will be selected by non-members of the Association. The method of nomination of the representative of the non-members shall be approved by the Administrator. Notice of such election shall specify that such non-member may be selected by non-members of the Association either present, or by proxy, or by letter ballot.

SECTION 2. In addition to membership as above provided, there may be not more than three members, without vote, to be known as Administration members, to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall: (1) Impose no inequitable restrictions on membership,

and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the method of selection of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful misfeasance or nonfeasance.

SECTION 6. If the Administrator shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty (30) days, to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

POWERS AND DUTIES

SECTION 7. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition, to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. The receipt and compilation of such information and reports shall be performed by a person or persons who are in no way connected with any member of the Industry. Such information shall be held confidential and shall not be open to inspection except as to totals of the industry. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that noth-

ing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry.

(f) (1) It being found necessary in order to support the Administration of this Code, and in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided, which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary;

(x) An itemized budget of its estimated expenses for the foregoing purposes, and

(xx) An equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and collect equitable contribution, as above set forth, by all members of the Industry and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority determined as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinafter provided shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to make use of any emblem or insignia of the N.R.A.

(3) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(g) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this

Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearings as he may specify.

(h) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this code and such other codes.

(i) To provide appropriate facilities for arbitration between members of the Industry and, subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

Section 8. Cost Finding.—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

ARTICLE VII—TRADE PRACTICE RULES

RULE 1. Inaccurate Advertising. No member of the Industry shall publish advertising (whether printed, radio, display or of any other nature), which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trademark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. Substitution of Material. No member of the Industry shall substitute any material other than that specified by the purchaser.

RULE 3. False Billing. No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 4. Inaccurate Labelling. No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation of such goods.

RULE 5. Defamation. No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

RULE 6. Inducing Breach of Existing Contracts. No member of the Industry shall wilfully induce or attempt to induce the breach

of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

RULE 7. Aiding or Abetting in Unfair Practices. No member of the Industry shall aid or abet another member of the Industry in any unfair practice prohibited in this Article.

RULE 8. Compensation for Services. No member of the Industry shall render to any purchaser of any product, or in connection with the sale or installation of such product, any service, unless fair compensation for such service shall be paid by such purchaser as set forth in the price schedules filed by such member of the Industry with the Code Authority.

RULE 9. Shipping on Consignment. No member of the Industry shall ship goods on consignment except under circumstances to be defined by the Code Authority, and approved by the Administrator.

RULE 10. Samples. No member of the Industry shall supply samples other than hand or display samples.

RULE 11. Shades Furnished for Demonstrating Purposes. Shades furnished for demonstrating purposes with reference to any one particular order shall be charged for at the manufacturer's filed prices.

RULE 12. Secret Rebates. No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

RULE 13. Commercial Bribery. No member of the Industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

RULE 14. Coercion. No member of the Industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

ARTICLE VIII—COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working

conditions. The Code Authority shall within five (5) days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of NRA which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. Emergency Provisions.—(a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period; no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

ARTICLE IX—OPEN PRICE

SECTION 1. Each member of the industry shall file with a confidential and disinterested agent of the code authority, or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as 'price terms', which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the code authority. Said price terms shall in the first instance be filed within thirty (30) days after the date of ap-

proval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the code authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty (30) day period after the approval of this code. The code authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the code authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the industry shall sell or offer to sell any products of the industry for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 4. No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

ARTICLE X—EXPORT TRADE

No provision of this Code relating to prices, or terms of selling, shipping, or marketing, shall apply to export trade or sale or shipments for export trade. "Export Trade" shall be defined as in the Export Trade Act adopted April 10, 1918.

ARTICLE XI—MODIFICATIONS

This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

ARTICLE XII—MONOPOLIES

No provisions of this Code shall be so construed or applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the second Monday after its approval by the Administrator.

Approved Code No. 473.

Registry No. 1629-06.

